

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FREDERICK BANKS,)	
)	
Petitioner,)	
)	
v.)	CIV-06-655-C
)	
FEDERAL TRANSFER CENTER,)	
et al.,)	
)	
Respondents.)	

JUDGMENT OF DISMISSAL

This action for § 2241 habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Robert E. Bacharach, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Bacharach entered a Report and Recommendation on June 30, 2006, recommending summary dismissal, to which petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, petitioner merely argues that his legal conclusion as to what relief his petition seeks should be given controlling weight. To the contrary, however Petitioner may characterize his request for relief, it clearly depends upon the validity of his criminal conviction and must be brought under 29 U.S.C. § 2255. Accordingly it must be dismissed.

Accordingly, the Court affirms and adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, dismisses this petition for habeas corpus relief without prejudice.

IT IS SO ORDERED this 18th day of July, 2006.



ROBIN J. CAUTHRON
United States District Judge